IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 1159 of 1987
With
FIRST APPEAL No. 993 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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GUJ STATE ROAD TRANSPORT CORPN - Appellant(s)
Versus
PRAVIN H VAGHELA & 1 - Defendant(s)

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Appearance :
MR HARDIK C RAWAL for Appellant(s) : 1,
MR RAJNI H MEHTA for Defendant(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 02/09/2006

ORAL JUDGMENT

1. By way of First Appeal No. 1159 of 1987 filed by the S.T Corporation, the Corporation has challenged the judgement and award dated 08.05.06 passed by the Motor Accident Claims Tribunal (Main), Kutch at Bhuj in MACP No. 275 of 1982 whereby the Tribunal awarded a sum of Rs, 41000/- by way of compensation payable to the original claimant by the original opponent no.1.

2. First Appeal No. 993 of 1987 is filed by the original claimant against the aforesaid award in-so-much as the inadequacy of the amount of compensation is concerned.

3. The original claimant had filed claim petition claiming compensation to the tune of Rs. 90,000/- in respect of the accident which occurred on 20.04.82 while the original respondent no.2 was driving the S.T bus bearing no. GTF 6747 in a reverse direction, the bus dashed with the original claimant who was standing at the bus stop waiting for another bus in order to go to Wadhwan. The original claimant therefore sustained serious injuries and filed claim petition under the said circumstance. The Tribunal after hearing the parties passed the aforesaid award.

4. Learned counsel for the S.T Corporation has contended that the Tribunal has committed an error in holding that the original claimant received injury as a result of the accident that occurred because of the negligent driving of the S.T bus. He has further contended that the amount of compensation awarded is

also excessive on the ground of loss of income and pain, shock and suffering.

5. Learned counsel appearing for the original claimant has though supported the award of the Tribunal, he has contended that the Tribunal has erred in quantifying the award amount at Rs. 41000/- and has called for interference as far as the amount of compensation is concerned.

6. Heard learned counsel for the parties and gone through the materials placed on record including the award of the Tribunal. The Tribunal in para nos. 11 to 20 has gone through the evidence in detail and has come to the conclusion that the S.T corporation cannot be absolved from the liability to pay compensation in respect of the injuries sustained by the original claimant. Moreover as far as original opponent no.2 is concerned even if the original opponent no.2 was not driving the vehicle it will be for the S.T to disclose how the vehicle was dealt with. I am in complete agreement with the reasonings adopted and findings arrived at by the Tribunal and

do not see any reason for interference in the appeal filed by the S.T Corporation.

7. As far as the appeal filed by the original claimant is concerned, the Tribunal has in detail examined each and every evidence regarding the medical disability, the income, the medical expenses incurred etc and has awarded compensation under each head which is just and proper. Moreover, nothing has been deposed or produced by the claimant to show the permanent disability of any kind, the view taken by the Tribunal is just and proper and does not call for any interference in respect of enhancement of the award under any head.

8. In the premises aforesaid, both the appeals are dismissed. No order as to costs.

(K.S. JHAVERI, J.)

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